

Expedited-Bill No. 17-12
Concerning: [[Fire and Rescue Service -]]
Emergency Medical ~~[[Services]]~~
Transportation - Insurance
Reimbursement
Revised: 5/15/12 Draft No. 4
Introduced: April 24, 2012
Enacted: May 15, 2012
Executive: May 28, 2012
Effective: January 1, 2013
Sunset Date: None
Ch. 14, Laws of Mont. Co. 2012

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- [[1)] authorize the County to impose and collect a reimbursement to recover costs generated by providing emergency medical services transports;
- (2) provide for a schedule of emergency medical services transport reimbursement charges, waiver criteria, permitted uses of reimbursement revenues, and other procedures to operate the emergency medical services reimbursement program;
- (3) prohibit a Local Fire and Rescue Department from imposing a separate emergency medical services transport reimbursement;
- (4) require the Executive to issue certain regulations to implement an emergency medical services transport reimbursement program;
- (5) require a certain annual transfer be made as payment of residents' uninsured portion of the emergency medical services transport reimbursement; ~~[[and]]~~
- (6) provide that County residents will pay no out-of-pocket expenses for an emergency medical services transport;
- (7) prohibit Fire and Rescue personnel who respond to a request for an emergency medical services transport from asking for any information relating to an individual's insurance coverage;
- (8) establish a Patient Advocate in the Office of Consumer Protection;
- (9) require the Fire Chief to report semiannually to the County Executive and County Council regarding implementation of this Act;
- (10) require the County to conduct a public outreach and education campaign; and]]
- (1) require health insurance providers to reimburse the County for emergency medical transportation provided to insured persons;
- (2) specify that County residents will not pay any out-of-pocket expense for emergency medical transportation provided by the County;
- (3) require emergency medical transportation fees to be waived for non-County residents with low or moderate incomes; and
- [[11)] (4) generally amend County law regarding the provision of emergency medical services.

By adding

Montgomery County Code
Chapter 21, Fire and Rescue Service
Section 21-23A. Emergency Medical Services Reimbursement Program

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 21-23A is added as follows:**

2 **21-23A. Emergency Medical Services Transport Insurance Reimbursement**
 3 **Program.**

4 (a) Obligation to Transport.

5 (1) The Fire and Rescue Service must provide emergency medical
 6 services transport under applicable medical protocols to each
 7 individual without regard to the individual's ability to pay.

8 (2) Any personnel of the Fire and Rescue Service who respond to a
 9 request for an emergency medical services transport must not ask
 10 for any information relating to an individual's insurance
 11 coverage.

12 (b) Definitions. In this Section the following terms have the meanings
 13 indicated:

14 (1) Emergency medical services transport means transportation by
 15 the Fire and Rescue Service of an individual by ambulance or
 16 other Fire and Rescue Service vehicle used for a similar purpose.
 17 Emergency medical services transport does not include
 18 transportation of an individual under an agreement between the
 19 County and a health care facility.

20 (2) Federal poverty guidelines means the applicable health care
 21 poverty guidelines published in the Federal Register or otherwise
 22 issued by the federal Department of Health and Human Services.

23 (3) Fire and Rescue Service means the Montgomery County Fire and
 24 Rescue Service and includes each local fire and rescue
 25 department.

26 (4) Program means the Emergency Medical Services Transport
 27 Insurance Reimbursement Program.

28 (c) Imposition of reimbursement. The County must impose a
 29 reimbursement charge for any emergency medical services transport
 30 provided in the County, and, unless prohibited by other law, outside the
 31 County under a mutual aid agreement.

32 (d) Liability for Reimbursement. Subject to paragraph (e), each individual
 33 who receives an emergency medical services transport is responsible for
 34 paying the emergency medical services transport reimbursement.

35 (e) Hardship Waiver.

36 (1) The Fire Chief must waive the emergency medical services
 37 transport reimbursement for any individual whose household
 38 income is at or below 300 percent of the federal poverty
 39 guidelines. An individual must request a waiver on a form
 40 approved by the Fire Chief.

41 (2) The Fire Chief may deny a request for a waiver if the individual
 42 who claims financial hardship under this Section does not furnish
 43 all information required by the Fire Chief.

44 (f) County Residents - Payment of ~~[[Residents']] Uninsured Portion of the~~
 45 Emergency Medical Services Transport Reimbursement.

46 (1) County residents must not be required to pay any out-of-pocket
 47 expense relating to any emergency medical services transport
 48 because residents are deemed to have paid any co-payment,
 49 deductible, or uninsured portion of the cost of each emergency
 50 medical services transport through taxes paid to the County.

51 ~~[[1]]~~ (2) Tax revenues the County receives must be treated as
 52 payment, on behalf of County residents, of the balance of each
 53 resident's portion of the emergency medical services transport
 54 reimbursement charge that is not covered by the resident's
 55 insurance.

56 ~~[[2]]~~ (3) The County Council must annually transfer from the General
 57 Fund to the Consolidated Fire Tax District Fund an amount that
 58 the Council estimates will not be covered by residents' insurance
 59 as payment of all residents' uninsured portion of the emergency
 60 medical services transport reimbursement charge.

61 (g) Restriction on Local Fire and Rescue Departments. A local fire and
 62 rescue department must not impose a separate charge for an emergency
 63 medical transport.

64 (h) Use of Revenue.

65 (1) Except for the transfer received from the General Fund under
 66 subsection (f), the revenues collected from the emergency
 67 medical services transport reimbursement must be used to
 68 supplement, and must not supplant, ~~[[existing]]~~ Fiscal Year 2013
 69 expenditures appropriated in the annual operating budget
 70 resolution (not including any expenditures of revenue collected
 71 under this program in Fiscal Year 2013) for emergency medical
 72 services and other related fire and rescue services provided by the
 73 Fire and Rescue Service.

74 (2) The Fire Chief must create a dedicated account in the fire fund
 75 for the revenues collected from reimbursements under this
 76 Program. This account must only be used for increased or
 77 enhanced fire and rescue services above the level appropriated in
 78 Fiscal Year 2013, as provided in paragraph (1), including new
 79 field service positions related to expansion of 4 person staffing or
 80 opening of new fire stations; increased training classes or
 81 capacity; facility maintenance and repair; new or replacement
 82 apparatus, gear, or equipment. Not more than 30% of this
 83 account may be spent for personnel costs.

84 (3) A percentage of this account, which the Council must specify
85 annually in the operating budget resolution, must be used to
86 replace or augment apparatus owned and staffed by local fire and
87 rescue departments and training, gear, and equipment for local
88 fire and rescue departments. As part of the Executive's operating
89 budget submission, the Fire Chief must transmit a plan for use of
90 funds designated for local fire and rescue departments. The plan
91 the Chief transmits must specify:

92 (A) the amount of this account the Chief recommends to
93 allocate to replace apparatus that is owned and staffed by
94 local fire and rescue departments in the next fiscal year;
95 and

96 (B) the amount of this account to allocate to training, gear, and
97 equipment for volunteers.

98 (i) Regulations; Reimbursement Schedule. The County Executive must
99 adopt a regulation under method (2) to implement the emergency
100 medical services transport reimbursement program. The regulation
101 must establish a reimbursement schedule based on the cost of providing
102 emergency medical services transport. The reimbursement schedule
103 may include an annual automatic adjustment based on inflation, as
104 measured by an index reasonably related to the cost of providing
105 emergency medical services transports. The regulation may require
106 each individual who receives an emergency medical services transport
107 to provide financial information, including the individual's insurance
108 coverage, and to assign insurance benefits to the County.

109 (j) Reporting. The Fire Chief must submit a report to the County
110 Executive and County Council not later than January 1 and July 1 of

111 each year regarding implementation of the Program. The report should
112 include:

- 113 (1) the number of calls for emergency medical services during the
114 reporting period;
- 115 (2) the number and type of emergency medical services provided
116 during the reporting period; and
- 117 (3) any other information relating to implementation of the Program
118 that the County Executive or County Council request.

119 (k) Patient Advocate. The Office of Consumer Protection must employ a
120 Patient Advocate to:

- 121 (1) develop and implement a program for customer service as a part
122 of the Program;
- 123 (2) develop and staff a help desk for questions regarding the
124 Program; and
- 125 (3) serve as a liaison with any vendor retained by the County to
126 implement the Program to assure high quality customer service
127 and prompt resolution of questions and concerns.

128 (l) Outreach and Education Campaign. The County Executive must
129 implement a public outreach and education campaign before and during
130 implementation of the Program. This campaign should include:

- 131 (1) informational mailers to County households;
- 132 (2) distribution of information through County internet and web-
133 based resources;
- 134 (3) radio and television public service announcements;
- 135 (4) news releases and news events;
- 136 (5) information translated into Spanish, French, Chinese, Korean,
137 Vietnamese, and other languages, as needed;

- 138 (6) extensive use of County Cable Montgomery and other Public,
 139 Educational, and Government channels funded by the County;
 140 (7) posters and brochures made available at County events, on Ride-
 141 On buses and through Regional Service Centers, libraries,
 142 recreation facilities, senior centers, public schools, Montgomery
 143 College, health care providers, hospitals, clinics, and other
 144 venues; and
 145 (8) special outreach to senior and “New American” communities.

146 **Sec. 2. Expedited Effective Date.**

147 The Council declares that this legislation is necessary for the immediate
 148 protection of the public interest. This Act takes effect on January 1, 2013.

149 **Sec. 3. Implementation.**

150 The County may collect the emergency medical services transport
 151 reimbursement authorized by County Code Section 21-23A, enacted by Section 1 of
 152 this Act, ~~[[may be collected]]~~ for any emergency medical services transport that
 153 occurs on or after July 1, 2012. ~~[[Collection]]~~ The reimbursement may ~~[[occur]]~~ be
 154 collected retroactively to ~~[[that]]~~ July 1, 2012, or any later date during the first fiscal
 155 year the emergency medical services transport ~~[[fee]]~~ reimbursement is implemented.

156 **Sec. 4. Fire and Rescue Service Enhancements in Fiscal Year 2013.**

157 Subject to appropriation, the Council intends that, to the extent sufficient
 158 revenue is achieved, revenue generated by the Emergency Medical Services
 159 Transport Insurance Reimbursement Program authorized in County Code Section 21-
 160 23A, enacted in Section 1 of this Act, in Fiscal Year 2013 should be used to fund the
 161 following enhancements to the County Fire and Rescue Service in Fiscal Year 2013:

- 162 (a) Service Restoration: Place one ladder truck in the first battalion back
 163 into service with dedicated 24-hour staffing.

164 (b) Apparatus Replacement Funding: Buy one tractor drawn ladder truck,
165 one Engine Company, and 5 EMS units for system unit response
166 improvements.

167 (c) Facility Maintenance and Improvements: Conduct a strategic facility
168 assessment, develop a maintenance and improvement plan for all
169 LFRD- and County-owned fire and rescue facilities and, to the extent
170 possible based on available funding, begin initial maintenance and
171 repairs to these facilities.

172 (d) Training: Provide system training for career and volunteer personnel,
173 including core fire, rescue, EMS, technical rescue, and driver training
174 classes.

175 (e) Fire and Rescue Equipment: Buy personal protective equipment,
176 portable fire, rescue, technical rescue, and EMS equipment for career
177 and volunteer personnel, the training academy, and operational units.

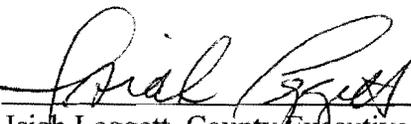
178 *Approved:*

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180 _____
Roger Berhner, President, County Council

5/17/2012

Date

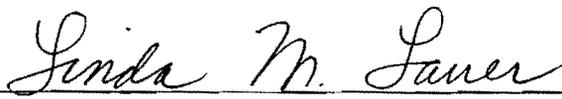
181 *Approved:*

182 
Isiah Leggett, County Executive

May 28, 2012

Date

183 *This is a correct copy of Council action.*

184 
Linda M. Lauer, Clerk of the Council

June 4, 2012

Date